

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ED BAILEY,)
)
Plaintiff,)
)
vs.) Civil Action No. 10-1039
) Magistrate Judge Maureen P. Kelly
PENNSYLVANIA DEPARTMENT OF)
CORRECTIONS; PRISON HEALTH)
SERVICES; DR. MEYERS,)
Defendants.)

ORDER

AND NOW, this 3rd day of Jan, 2012 ~~December, 2011~~, after the Plaintiff, Ed Bailey,

filed an action in the above-captioned case, and after Motions to Dismiss were filed by Defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until December 16, 2011, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss Complaint filed by Defendant, Pennsylvania Department of Corrections, ECF No. 25, is granted and the Complaint against it is dismissed with prejudice.

IT IS FURTHER ORDERED that the Motion to Dismiss Plaintiff's Complaint

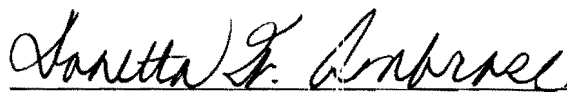
filed by Defendants, Prison Health Services, inc., and Christopher Meyers, ECF No. 14, is granted and the Complaint against them is dismissed without prejudice.

An Amended Complaint may be filed by 1/31/12. Otherwise, the case will be dismissed.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of

Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty

(30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

A handwritten signature in black ink, reading "Donetta W. Ambrose", written over a horizontal line.

DONETTA W. AMBROSE
United States District Judge

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

All Counsel of Record by electronic filing